

In The District Court of The United States  
For The Middle District of Alabama  
Eastern Division

Terry Ligon, # 220217,  
Petitioner,

vs.

J. C. Giles, Warden, et al.,  
Respondents.

C.A. No. 3:05-CV-707-F

Motion For Permission Of The Court  
To Dismiss 28 U.S.C. Sec. 2254  
Petition Without Prejudice.

Comes now the Petitioner, Terry Ligon, pro-se, in the above styled cause and respectfully moves this Honorable Court for Permission to Dismiss his habeas corpus petition for relief of conviction and sentence without prejudice and for good cause states the following:

- 1.) On August 12, 2005, the Circuit Court of Russell County, Alabama, answered a motion for re-consideration of Petitioner's in forma pauperis application filed on May 9, 2005, granting that he can now proceed with partial payment until the full amount is paid. (See Order attached)

2.) Ligon believed that the motion filed on May 8, 2005, for re-consideration was denied and pursued his claims in this court, which accepted his 28 U.S.C., Sec. 2254 petition on August 8, 2005.

Ligon's purpose to file in federal court was his only re-couse, under the Schlup v. Delo, 513 U.S. 298 (1995) and Coleman v. Thompson, 501 U.S. 722, (1991), standards, which he could meet upon briefing and in turn this court would more likely than not Order that a hearing be held. Ligon's purpose throughout his state filings and in this court is to make the trial court aware of what transpired at his plea of guilty hearing, for the unconstitutional actions of the prosecutor and his defense attorney not only deceived Ligon but the trial court also, Ligon had to have the lower court recognize these misrepresentations of material facts (elements) concerning the injuries of the victims, especially when one of the victims (Carmelita Law) did not suffer any injuries at all, yet Ligon stands convicted of assault 1<sup>st</sup> degree pertaining to that victim!

3.) Ligon avers that the suspicious timing of the lower court in granting the motion for re-consideration came as a complete surprise to him, but since the court did grant said motion and the present issues raised are jurisdictional, this petition should go forward in the

- lower court as it is more familiar with the facts and circumstances of the case, as Ligon was sued in the Russell County Civil Court, and that action became final on March 13, 2003, to full satisfaction of the alleged victims involved in Ligon's criminal case.

4.) Ligon apologizes to the Court and the Respondents for any and all inconvenience he has caused by the filing of his 28 U.S.C., Sec 2254 petition, however, the dilatory actions of the lower court leave much to be desired throughout the history of Ligon's litigation, and he cannot be entirely faulted for such.

Wherefore, he now requests this Honorable Court to grant permission to dismiss the present habeas corpus petition before the Court without prejudice and allow Ligon to pursue his claims in the lower court finally.

Petitioner humbly prays this Honorable Court such.

Respectfully submitted,  
Terry Ligon

Terry Ligon, \* 220 217

V.C.F. - P.O. Box 767

Clayton, AL - 36016-0767

Certificate of Service

I hereby certify that I have served a copy of the foregoing upon the respondent by placing same in the U.S. Mail, postage prepaid, first-class mail on this the 5<sup>th</sup> day of September, 2005, and properly addressed as follows:

Honorable Mark A. Stanett

Asst Attny General

11 South Union Street

Montgomery, AL. 36130-0152

Terry Ligon

Terry Ligon, # 220217

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

TERRY LIGON

PETITIONER,

VS.

STATE OF ALABAMA

RESPONDENT.

CASE NO. CC 01-352-356

## ORDER

The Petitioner/Defendant Terry Ligon having filed a Motion to reconsider in Forma Pauperis application and the Court having reviewed and considered same it is ORDERED that the Petitioner is authorized to pay partial court costs fees until the full amount of court costs are paid.

Done this 12<sup>th</sup> day of August 2005.

George R. Mason

JUDGE, CIRCUIT COURT

FILED IN OFFICE

2025-09-12 01:12:28

\$ 234<sup>00</sup> filing fee

ACR476

ALABAMA JUDICIAL DATA CENTER  
RUSSELL COUNTY

TRANSMITTAL

CC 2001 000352.00  
GEORGE R. GREENE

IN THE CIRCUIT COURT OF RUSSELL COUNTY

TO: LIGON TERRY  
220217  
P.O. BOX 767  
CLAYTON

,AL 36016 0000

ATTORNEY: ARMSTRONG JEREMY WAYNE  
1606 BROAD STREET  
POST OFFICE BOX 3409  
PHENIX CITY ,AL 36868 34

NOTICE DATE: 09/01/2005

CLERK: KATHY COULTER  
PO BOX 518  
PHENIX CITY AL 36868-0510  
(334) 298-0516

OPERATOR: JOS  
PREPARED: 09/01/2005

ALABAMA JUDICIAL DATA CENTER

COURT PAYMENT SYSTEM

RUSSELL COUNTY

\*\*\* RECEIPT \*\*\*

NO: 153035

DATE: 09/01/2005  
TIME: 10:17:46

BATCH: 2005280

TYPE: CHECK

CASE: CC 2001 000352.00

RECEIVED FROM: LIGON TERRY

AMOUNT: FIFTY AND NO CENTS-----\$\*\*\*\*\*50.00  
-----

FOR ACCOUNTS: B001 LAWRENCE THOMAS

\$50.00

RECEIVED BY: JOS

\$ 184- bal.

ALABAMA JUDICIAL DATA CENTER

COURT PAYMENT SYSTEM

RUSSELL COUNTY

\*\*\* RECEIPT \*\*\*

NO: 153035

DATE: 09/01/2005  
TIME: 10:17:46

BATCH: 2005280

TYPE: CHECK

CASE: CC 2001 000352.00

RECEIVED FROM: LIGON TERRY

AMOUNT: FIFTY AND NO CENTS-----\$\*\*\*\*\*50.00  
-----

FOR ACCOUNTS: B001 LAWRENCE THOMAS

\$50.00

RECEIVED BY: JOS